

ASSEMBLY BILL

No. 1374

Introduced by Assembly Member Gray

February 22, 2013

An act to amend Section 8547.3 of the Government Code, relating to state government.

LEGISLATIVE COUNSEL'S DIGEST

AB 1374, as introduced, Gray. State government: The California Whistleblower Protection Act.

Existing law, the California Whistleblower Protection Act, prohibits an employee from directly or indirectly using or attempting to use the official authority or influence of the employee for the purpose of intimidating, threatening, coercing, commanding, or attempting to intimidate, threaten, coerce, or command any person for the purpose of interfering with the rights conferred pursuant to the act.

This bill would make technical, nonsubstantive changes to a provision of the act.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 8547.3 of the Government Code is
- 2 amended to read:
- 3 8547.3. (a) An employee ~~may~~ *shall* not directly or indirectly
- 4 use or attempt to use the official authority or influence of the
- 5 employee for the purpose of intimidating, threatening, coercing,
- 6 commanding, or attempting to intimidate, threaten, coerce, or

1 command any person for the purpose of interfering with the rights
2 conferred pursuant to this article.

3 (b) For the purpose of subdivision (a), “use of official authority
4 or influence” includes promising to confer, or conferring, any
5 benefit; effecting, or threatening to effect, any reprisal; or taking,
6 or directing others to take, or recommending, processing, or
7 approving, any personnel action, including, but not limited to,
8 appointment, promotion, transfer, assignment, performance
9 evaluation, suspension, or other disciplinary action.

10 (c) ~~Any~~An employee who violates subdivision (a) may be liable
11 in an action for civil damages brought against the employee by
12 the offended party.

13 (d) ~~Nothing in this~~*This* section shall *not* be construed to
14 authorize an individual to disclose information otherwise prohibited
15 by or under law.